

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Gustavo T. Villanueva,

NO. C 07-05721 JW

Plaintiff,

**ORDER DENYING MOTION FOR
DEFAULT**

v.

Condoleeza Rice, et al.,

Defendants.

Before the Court is Plaintiff's motion for default judgment. (See Docket Item No. 23.)

However, a judgment by default may not be granted until Plaintiff obtains an entry of default from the clerk. See Fed. R. Civ. P. 55. The Docket does not reflect an entry of default against any of the Defendants. Accordingly, the Court DENIES Plaintiff's motion as premature.

Dated: February 14, 2008

JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Claire T. Cormier claire.cormier@usdoj.gov

3 Gustavo T Villanueva
4 1301 Cougar Creek Drive
5 Patterson, CA 95363

6 **Dated: February 14, 2008**

Richard W. Wieking, Clerk

7
8 **By: /s/ JW Chambers**

Elizabeth Garcia
Courtroom Deputy